

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Don Mendoza,

Civil No. 10-2211 (RHK/JSM)

Petitioner,

**ORDER**

v.

Scott Fisher,

Respondent.

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Petitioner has filed an Objection to Magistrate Judge Janie S. Mayeron's recommended summary dismissal of his application for habeas corpus relief under 28 U.S.C. § 2241. The undersigned has reviewed de novo the Report and Recommendation as well as Petitioner's Objection thereto.

For the reasons set forth in the Report and Recommendation, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Petitioner's Objection (Doc. No. 4) is **OVERRULED**;
2. The Report and Recommendation (Doc. No. 3) is **ADOPTED**;
3. Ground One of Petitioner's application for a writ of habeas corpus (Doc. No. 1) is **DENIED WITH PREJUDICE**;
4. Ground Two of Petitioner's application for a writ of habeas corpus (Doc. No. 1) is **DENIED FOR LACK OF JURISDICTION**; and

5. This action is **SUMMARILY DISMISSED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: July 14, 2010

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge